FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 6109 OF 2002

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. P.P. Chavan i/by Mr. P. Sarpotdar for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent No. 2 to 5.

Ms. Sangeeta Choudhari i/by Sanjay Kale for Respondent No. 1.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : JANUARY 28, 2005

P.C.

. Rule. Heard forthwith.

. Pursuant to directions issued by this court, Reference has been made in the matter of apportionment of the compensation received by the Petitioner himself and Respondents who are claiming 50% of the amount. The total compensation paid was in the sum of Rs.1,52,464/-. The respondents

claims 50% of the compensation which is Rs.76,332/-. The grievance of the Petitioner is that the entire amount is lying with the Bank and the Respondent State has attached the entire compensation whereas it ought to have restricted it to the sum of Rs.76,332/-.

. Considering above, the following order :

. The Manager, Central Bank of India, Shinoli Branch, Taluka Ambegaon, District Pune to forward the sum of Rs.76,332/- to the Collector Pune. The Collector, Pune on receipt of the said amount to deposit the same before the District Court, Pune in reference already made to the District Court Pune under the provisions of the Land Acquisition Act. The attachment in respect of the balance amount stands vacated. It will be open to the Petitioner to withdraw the amount.

. It will be open to the Reference Court if ultimately respondents succeeds to establish that the Petitioner has obtained any advantage from the amount so deposited to direct interest to be paid and or apportion the interest already accrued for the amount which is already deposited.

. Rule made absolute accordingly. No order as to cost.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)